



Amendments to the Drawings

Figs. 1, 4, and 5 have been objected to for not including the corresponding reference numerals referred to in the specification. In response, Applicant submits herewith replacement drawing sheets for Figs. 1, 4, and 5, providing the necessary correction. The changes to these figures are limited to the inclusion of the reference numerals provided in the originally filed specification. As such, no new matter is added. Having complied with the request set forth in the Action, Applicant respectfully requests withdrawal of the objection to the identified figures.

## REMARKS

Claims 1-20 are all the claims pending in the application, claims 1, 8, and 14 being the only independent claims.

Claims 1, 3-9, and 11-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Skelley (U.S. patent 6,795,638). Claims 2, 10, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Skelley in view of Escobar (U.S. patent 5,659,793). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

### Rejection under 35 U.S.C. §102(e) as being anticipated by Skelley

The Examiner rejects claims 1, 3-9, and 11-19 under 35 U.S.C. §102(e) as being anticipated by Skelley.

Claim 1 is directed to a method for editing a digital broadcasting material and recites “recording the clipped segments as new programs” and “selecting some of the recorded programs, and merging the selected programs into a new program.” Page 3 of the Office Action states that various portions of columns 4, 5, and 6 of the Skelley patent provide the necessary teaching of the identified claim limitations. Applicant respectfully disagrees.

### Operation of the Skelley System

So that the differences between the invention recited in claim 1 and the Skelley system can be fully appreciated, operation of the Skelley system will now be described.

- 1) "While watching the performance, the operator, using a database application program running on a computer 102, identifies and characterizes selected events occurring during the performance." (Skelley col. 4, lines 63 -66). There is no recording of "clipped segments as new programs" at this stage of operation.
- 2) "In response to the operator's input signals, source video-computer interface 108 provides computer 102 signals identifying the time of the selected event's occurrence with respect to the real time counter of source VTR 126." (Skelley col. 5, lines 13-16). "The application program enters this timing information into a database created for the events." (Emphasis added) (Skelley col. 5, lines 20-21). Although timing information is apparently recorded at this stage of operation, there is no recording of "clipped segments as new programs."
- 3) "Upon completion of the operator's selection of clips and events (by monitoring video cassette tape 140, the live performance or a broadcast of the performance), the event database for the performance is created. This database comprises, among other data, a list identifying each event and the position on source video cassette tape 140 where the clip associated with that event is recorded. A representative sample of such a list is shown at block 902 of FIG. 9. The positional data includes a start time and a stop time for each event." (Emphasis added). (Skelley col. 5, lines 52-61). It is important to note that at this point of operation of the Skelley system, these "events" have not been "clipped," nor have they been recorded. Skelley makes clear that what is being created in the database is a "list" that identifies the event (not the event itself).
- 4) A final step of the Skelley system provides: "Upon completion of the selection and editing of events and associated video clips, computer 102 can be instructed to cause VTRs 126 and 130 to record in any selected order a selected sequence of the clips from source video

cassette tape 140 onto target video cassette tape 142.” (Emphasis added) (Skelley col. 5, line 66 – col. 6, line 3). For instance, “In step 230, the database of events, and the clips on the source recording, are reviewed, edited and sorted into a preferred sequence.” (Skelley col. 6, line 27). “In step 240, the selected sequence of clips, and selected information from the event database associated with the clips, are recorded onto the target recording.” (Skelley col. 6, lines 30-33). This final stage of operation of the Skelley system is the first instance in which the clips themselves are recorded. Specifically, these “clips” are recorded onto the target recording.

Turning now to the Office Action, Applicant first assumes, for the sake of argument, that the “recording” operation identified in Point 4 above discloses a recording of “clipped segments as new programs,” as recited in claim 1. This is the assertion alleged in the Office Action. If this were true, then the “selected sequence of clips” of Skelley must therefore teach the claim 1 feature of “new programs.”

If this was indeed the case, then the Skelley system cannot therefore teach “selecting some of the recorded programs, and merging the selected programs into a new program” as further recited in claim 1. Recall that in Skelley, the last operation is the recording of the selected sequence of clips onto the target recording. See, for example, block 240 in Fig 2 of Skelley. Skelley does not disclose doing anything with the recorded sequence of clips (“new programs”), and most certainly does not teach or suggest the “selecting” and “merging” aspects recited in claim 1.

Applicant emphasizes that claim 1 not only includes:

“recording the clipped segments as new programs”

but also includes the additional limitation:

“selecting some of the recorded programs, and merging the selected programs into a new program.”

Even if Skelley discloses the first “recording” limitation, it does not teach, suggest, or even mention the “selecting” and “merging” limitations, which are also recited in claim 1.

In view of the foregoing, Skelley fails to teach or suggest the identified features recited in claim 1, and therefore this claim is believed to be patentable. Independent claims 8 and 14 are believed to be patentable for similar reasons. For example, Skelley does not teach or suggest “recording the clipped predetermined periods” and “merging selected periods of the recorded predetermined periods into a merged program” as required by claim 8. Furthermore, Skelley does not teach or suggest “recording the clipped streams” and “merging the recorded clipped streams” as recited in claim 14. For these reasons, independent claims 1, 8, and 14 are believed to be patentable, and dependent claims 3-7, 9, 11-13, and 15-19 are patentable at least by virtue of their dependence on the patentable independent claims.

**Rejection Under 35 U.S.C. §103(a)**  
**as being unpatentable over Skelley and Escobar**

The Examiner rejects claims 2, 10, and 20 under 35 U.S.C. §103(a) as being unpatentable over Skelley in view of Escobar.

Applicant notes that Escobar does not supply any of the deficiencies of Skelley identified above in conjunction with independent claims 1, 8, and 14. Therefore, for the reasons presented above, even if one skilled in the art were to combine the teachings of Skelley and Escobar in the manner asserted, claims 2, 10, and 20 would be patentable at least by virtue of their dependence upon their respective independent claims.

Lastly, Applicant acknowledges the other references made of record and not relied upon. However, there is nothing of sufficient relevance to require detailed discussion.

CONCLUSION

In light of the above remarks, Applicant submits that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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